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September 16, 2016

VIA ECF

The Honorable Jed S. Rakoff  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Leontiev v. Varshavsky, No. 16-cv-03595 (JSR)

Dear Judge Rakoff:

On behalf of Plaintiff, we respectfully submit this response to Defendant's supplementation of the record on Plaintiff's Motion for Judgment on the Pleadings.

Nothing about the apparent reversal of the liquidation of Financial Group "Life" alters the fact that Defendant Alexander Varshavsky is not a party to the promissory notes issued by that company and therefore lacks authority to enforce any obligations arising under the notes. Judgment on the pleadings is therefore warranted regardless of the status of the liquidation.

Similarly, as explained in the accompanying declaration, the mere fact that the Russian tax authorities have reopened the liquidation proceedings does not mean that creditors may pursue (much less prevail on) claims of secondary liability against alleged controlling persons of Financial Group "Life": Such claims may only be brought in insolvency proceedings, and there is no such proceeding at present. Mr. Varshavsky has alleged no facts that would allow him to pursue any claims of anyone against Financial Group "Life," let alone to prevail on claims against Mr. Leontiev for supposed debts of Financial Group "Life." The Amended Answer (¶ 3.13.g) pleads only the conclusory assertion that, "[o]n information and belief," Financial Group "Life" "served as a 'gate' through which funds were brought into the network before then being transferred between and among the other Cloud Entities." Absent any facts, judgment on the pleadings is required.

Respectfully,

*/s/ Robert L. Weigel*

Robert Weigel

cc: Counsel for Defendant (by email and ECF)